

**HIGH COURT OF JUDICATURE FOR RAJASTHAN AT
JODHPUR**

S.B. Civil Second Appeal No. 118/2024

Nagar Parishad Hanumangarh, Through Its Commissioner
Surendra Singh Yadav S/o Rati Ram, Nagar Parishad
Hanumangarh, Tehsil & District Hanumangarh.

-----Appellant

Versus

Rajeev Gupta S/o Satya Prakash Gupta, R/o Ward No. 29,
Hanumangarh Town, Presently R/o 1st Floor, Suncity Power
Corporation, 101 Yellow Tower, Bombay Motor Circle, Jodhpur.

-----Respondent

For Appellant(s)	:	Mr. Dishant Kirodiwal
For Respondent(s)	:	Mr. Love Kush for Mr. Prahlad Singh Bhati

HON'BLE MS. JUSTICE REKHA BORANA

Order

24/02/2026

1. The following substantial questions of law arise in the present second appeal:-

- (i) Whether both the courts below erred in deciding Issue Nos. 2 and 3 in favour of the plaintiff despite it been admitted on record that 3/4th of the auction amount was not deposited by him within a period of 60 days?
- (ii) Whether both the courts below erred in ignoring the fact that it was not the condition of the auction proceedings that the auction purchaser would be under an obligation to deposit the due 3/4th amount only after a notice been served on him for the said purpose?

2. Admit. Issue notice.
3. Notice need not be issued as the sole respondent is represented by Counsel.
4. Heard on stay petition.
5. Counsel for the appellant submits that during the pendency of the present appeal, in the execution proceedings undertaken by the respondent, patta has already been issued in favour of the respondent.
6. In view of above, till final hearing and disposal of the present appeal, the respondent shall be restrained from alienating, transferring or creating any third party right over the property in question.
7. Stay application stands **disposed of**.
8. List for hearing in due course.

(REKHA BORANA),J